

REMARKS

Status of the Claims

- Claims 1-4, 9-19, 24-33 are pending in the Application.
- Claims 9-14, 24-29, and 31-33 are withdrawn from consideration.
- Claims 1-4, 15-19, and 30 stand rejected by the Examiner.
- Claims 1, and 16 are currently amended.
- Claims 8 and 23 are cancelled.

Telephone Discussion

Applicant's representative thanks the Examiner for discussing the present case with Applicant's representative. During that discussion, the allowable subject matter was discussed in light of the 35 USC §101 rejection. Claim amendments were discussed to accommodate the allowable subject matter.

Claim Rejections Pursuant to 35 U.S.C. §101

Claims 1-4, and 15-19, and 30 stand rejected under 35 U.S.C. §101, as being directed to non-statutory subject matter. Specifically, the claims fail to produce a "useful, concrete, and tangible result.

Claim 1 is amended to include the useful, concrete, and tangible result of displaying saved data items that were saved at the designated point in time and recovering the application using the data items saved at the displayed designated point in time. Applicant respectfully notes that displaying saved data items is a useful, concrete and tangible result. Applicant finds support for this amendment in the as-filed specification in paragraph 0037.

Claim 1 is amended to include the identified allowable subject matter of Claim 8, now cancelled. Amended Claim 1 now includes the step taken when the third determination is not true by positively reciting the actions of:

running a virtual machine;
executing the application in the virtual machine; and
capturing the state of the virtual machine at the point in time.

DOCKET NO.: MSFT-5041/307240.01
Application No.: 10/808,099
Office Action Dated: August 28, 2007

**PATENT
REPLY FILED UNDER EXPEDITED
PROCEDURE PURSUANT TO
37 CFR § 1.116**

Applicant amends independent Claim 16 to recite displaying saved data items at a designated point in time and recovering the application using the saved data items. Claim 16 also includes the allowable subject matter of Claim 23, now cancelled.

Applicant respectfully requests reconsideration and withdrawal of the 35 U.S.C. §101 rejection of the pending claims because the amended claims now positively recite the useful, concrete, and tangible result of displaying saved data items that were saved at the designated point in time and recovering the application using the data items saved at the displayed designated point in time.

Applicant notes that no prior art is cited.

Conclusion

In view of the above amendments and remarks, Applicant respectfully requests reconsideration of all pending claims. A Notice of Allowance is respectfully requested. Applicant encourages the Examiner to contact the undersigned if there are any remaining issues or questions.

Date: October 18, 2007

Respectfully submitted,
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